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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**
12

13 TATIANA OLMOS, individually and
on behalf of all others similarly situated,

14 Plaintiff,

15 v.

16 FIA CARD SERVICES, N.A., a
17 national bank,

18 Defendant.
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Case No. 3:15-cv-02786-BAS-BGS

**JOINT MOTION TO WITHDRAW
PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION
WITHOUT PREJUDICE**

Date: February 8, 2016
Ctrm: 4B

1 Pursuant to Rules 7.1 and 7.2 of the Local Rules of Practice for the United
2 States District Court for the Southern District of California, Plaintiff Tatiana Olmos
3 (“Plaintiff”) and Defendant FIA Card Services, N.A. (“Defendant”) hereby move
4 and request that Plaintiff’s pending Motion for Class Certification be withdrawn
5 without prejudice and the Court set a deadline at the Rule 16 Case Management
6 Conference. This motion is supported by good cause.

7 The Complaint was filed on December 10, 2015. Defendant was served with
8 the Complaint on December 14, 2015. On January 5, 2016, this Court granted an
9 extension of time to respond to the Complaint. Defendant’s response is currently
10 due on February 8, 2016.

11 The pending Motion for Class Certification was filed on December 11,
12 2015—the day after the Complaint was filed. The Motion for Class Certification is
13 noticed for February 8, 2016—the same day as Defendant’s response to the
14 Complaint is currently due.

15 There is currently no scheduling order in this action and no deadline for
16 Plaintiff to seek class certification. Continuing the hearing date will allow the
17 Defendant to respond to the Complaint before the hearing on the Motion for Class
18 Certification, will allow the Parties to participate in the ENE Conference, and will
19 allow the Parties to conduct any necessary discovery.

20 Therefore, the Parties respectfully request that the Court enter an Order
21 withdrawing the Motion for Class Certification without prejudice and set a deadline
22 to refile the Motion at the Rule 16 Case Management Conference.

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Dated: January 21, 2016

MORRISON & FOERSTER LLP

By: /s/Jessica Roberts
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Attorneys for Defendant
FIA CARD SERVICES

Dated: January 21, 2016

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